

REMARKS/ARGUMENTS

The Rejection of Claims 1, 30, 10, 12, 15, 22 - 24 based on Hobson

In the Official Action, the Examiner rejects Claims 1, 3, 10, 12, and 15 under 35 USC 102 as allegedly being fully anticipated by US Patent No. 6,199,979 to Hobson. Claims 2 and 11 are rejected as being unpatentable over Hobson in view of US Patent No. 6,190,009 to Kitahara, while Claims 4, 5, 13, and 14 are rejected as being unpatentable over Hobson in view of US Patent No. 6,926,957 to Engel and while Claims 9 and 18 are rejected as being unpatentable over Hobson in view of US Publication 2001/0035897 to Hayashi and Claims 22-23 are rejected as being unpatentable over Hobson in view of US Patent No. 6,481,837 to Askren.

These grounds for rejection are respectfully traversed.

Claim 1 recites "filling ink into the ink cartridge to pass through the treated filter". Claim 10 includes nearly identical language.

The Applicant felt that that language, in view of the accompanying disclosure, made it clear that the ink passed through the treated filter on its way into the cartridge. However, based upon the Examiner's citation of Hobson et al alone, it appears that the Examiner may feel that the language is sufficiently broad to read upon the ink passing through the filter on its way out of the cartridge. That seems to be an unusual interpretation of the claim language especially in view of the way that the present disclosure is written. Needless to say, the applicant asserts that neither claim 1 nor claim 10 is anticipated by Hobson et al.

Nevertheless, in the last response Applicant added new claims 22-24 which made it explicit that the step of filling ink into the ink cartridge includes passing the ink through the treated filter as the ink cartridge fills with ink.

With respect to Claims 22-23, the Examiner does not reject those claims on Hobson alone, but rather on a combination of Hobson and Askren. With respect to these rejections, the Examiner asserts that a person already skilled in the art would modify Hobson with the teachings of Askren in order to "remove air from an ink delivery system in an ink jet printer." However, Hobson teaches that ink jet printer cartridge has a head space 9 which appears to be filled with air, or some other gas, and certainly not ink. Accordingly, why would a person of ordinary skill in the art want to remove air from an ink delivery system in an ink jet printer if the cartridge in which the ink has to be placed has a head space 9 such as that shown in Figure 1 of Hobson?

And even if it is assumed that a skilled person would be motivated to remove air from an ink delivery system, note that Askren teaches a particular type of ink-jet printing device which uses a relatively large volume, stationary ink reservoirs 32 and uses pumps 18 to pump the ink from the reservoir to a print head 20 / ink cartridge 12 via a flexible conduit 16. The filter 52 shown in Figures 2 - 4 of Askren is disposed near the pump 18 and remote from the cartridge 12. If the object of the filter 52 is to keep air out of Askren's ink delivery system (and that is the motivation for using the filter according to the Examiner), it would make sense to locate it near the pump. But claim 1 recites, inter alia, "installing the treated filter in an ink cartridge". Askren teaches placing a filter elsewhere. So any combined teaching of Hobson and Askren does not meet claim 1. Claim 10 recites, inter alia, "installing a filter in an ink cartridge". Askren does not meet that limitation. And it should also be apparent that Askren teaches away from claim 19 as well.

With respect to the rejection of Claim 24, which is based on Hirosawa (US Patent No. 6,120,140) in view of Askren, the Examiner makes the same assertion, namely that it would be obvious to combine Hirosawa and Askren "for the purpose of removing air from an ink delivery system in the ink jet printer". For the reasons already discussed, Askren teaches placing a filter remote from a ink cartridge instead of "treating the wall

of the ink passage with a surfactant to increase the hydrophilicity of the wall" wherein ink cartridge has an ink passage and the ink passage has a wall as recited in claim 19 upon which claim 24 depends.

Neither this rejection nor the rejection of claims 22 - 23 is understood. If it is obvious to combine Askren with any conventional printhead, then Askren's filter is not going to be located in or on the printheads, but rather remote from it try to keep air out of the conduits which help feed ink to the printheads.

With respect to the rejections based on Hobson alone, it is not believed that Hobson teaches that the ink passes through the filter on its way into the cartridge. Note the existence of contaminants 10 in the ink 6 in Figure 1 of Hobson. So Hobson alone does not meet each and every limitation of either claim 1 or claim 10. The rejection under 35 USC § 102 is improper.

Rejection of Claim 19 under 35 U.S.C. 102(b)

Claim 19 is rejected under 35 U.S.C. 102(b) as being anticipated by Hirosawa et al (US 6,120,140).

The amended claim 19 recites:

19. A method for filling an ink into an ink cartridge, comprising:

providing an ink cartridge having an ink passage, wherein the ink passage has a wall;

treating the wall of the ink passage with a surfactant to increase the hydrophilicity of the wall of the ink passage **before initial use of ink flow passage**; and

filling an ink into the ink cartridge to pass through the treated the ink passage.

(Emphasis Added)

It is clear that the method for filling an ink into an ink cartridge in amended claim 19 comprises treating the wall of the ink passage with a surfactant to increase the

hydrophilicity of the wall of the ink passage before initial use of ink flow passage, and filling an ink into the ink cartridge to pass through the treated the ink passage

In Column 11, lines 34-37 of, Hirosawa discloses:

As for the microscopic bubbles mentioned above, it is more liable for them to develop when **surfactant is mixed into the ink** as means for obtaining picture quality of a higher degree.

In Column 11, lines 55-56 of, Hirosawa discloses:

At the same time, it is easier for them to move along the **flow passage wall** to the top space of the filter chamber constituted of the double-back ink flow passage, where they, the microscopic bubbles, join together, and thereby, grow into larger bubbles.

It is clear that Hirosawa teaches an ink mixed with surfactant passing wall of a chamber. Hirosawa, however, does not teach or suggest treating the wall of the ink passage with a surfactant to increase the hydrophilicity of the wall of the ink passage **before initial use of ink flow passage**, and filling an ink into the ink cartridge to pass through the treated the ink passage in amended claim 19.

It is clear that not every element as set forth in the amended claim 19 is found in Hirosawa. Consequently, applicant respectfully submits that the cited reference fails to disclose the feature above-discussed in the present invention as set forth in amended claim 19. Reconsideration is requested.

The Final Rejection is Premature

The Final rejection made by the Examiner is premature. In the Official Action, the Examiner asserts, with respect to Claim 19, the Examiner states that the limitation

“wherein the ink jet passage has a wall treating the wall of the ink jet passage” is unclear. With respect to this observation, the Applicant has two comments.

First, Claim 19 was not amended in the last response, and therefore if the Examiner has a clarity issue with respect to Claim 19, then that effectively constitutes a new grounds for objection which was not triggered by any amendment made by the Applicant. Therefore the Examiner should have made this Official Action Non-Final to allow the applicant the privilege of amending the claim to address the issue before issuing a final rejection.

Second, the Examiner misquotes the claim in that there is a semicolon between the word “wall” and the word “treating”.

In order to address this alleged issue, the Applicant is proposing an amendment to Claim 19 which addresses this issue. The Examiner is urged to allow the amendment to Claim 19 by withdrawing the finality of the prior rejection which is believed to have been made prematurely.

The undersigned notes that the Examiner has been previously verbally requested to withdraw the finality of the rejection. According to a voice mail message left by the Examiner, this the Examiner refuses to do since the comments in the Official Action relative to Claim 19 allegedly do not comprise a new grounds of rejection. The Applicant respectfully responds that the Examiner’s comments have nearly the same effect and if the Examiner is not prepared to allow the requested amendment of claim 19 at this stage of the proceedings, then the undersigned respectfully requests an interview with both the Examiner and the Examiner’s SPE to be held before responding to this amendment.

Reconsideration of this application as amended is respectfully requested.

The Commissioner is authorized to charge any additional fees which may be required or credit overpayment to deposit account no. 12-0415. In particular, if this response is not timely filed, then the Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 CFR 1.136 (a) requesting an extension of time of the number of months necessary to make this response timely filed and the petition fee due in connection therewith may be charged to deposit account no. 12-0415.

I hereby certify that this correspondence is being deposited with the United States Post Office with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

04 January 2007
(Date of Deposit)

Mary Ngo
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(Signature)

04 January 2007
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Respectfully submitted,



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